

California Legislature

January 28, 2019

Members of the California Legislature have sent the attached letter to Attorney General Xavier Becerra asking the California Department of Justice to investigate an unexplained “surcharge” that has been identified in the state’s gasoline prices. The primary basis for this request is in the findings of the 2017 “Final Report” of the Petroleum Market Advisory Committee, which was established by the California Energy Commission in 2014.

The following legislators are signatories:

Assemblymember Marc Levine of Marin County; Senator Jerry Hill of San Mateo;
Assemblymember Bill Quirk of Hayward; Senator Henry Stern of Canoga Park;
Assemblymember Jim Wood of Santa Rosa; Assemblymember David Chiu of San Francisco;
Assemblymember Richard Bloom of Santa Monica; Assemblymember Ash Kalra of San Jose;
Assemblymember Mark Stone of Scotts Valley; Assemblymember Buffy Wicks of Oakland;
Assemblymember Laura Friedman of Glendale; Assemblymember Rebecca Bauer-Kahan of
Orinda; Assemblymember Shirley N. Weber of San Diego; Senator Ben Allen of Santa Monica;
Senator Jim Beall of San Jose; Assemblymember Robert Rivas of Hollister; Senator Mike
McGuire of Healdsburg; Senator Nancy Skinner of Berkeley; and Senator Scott Wiener of San
Francisco.

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January 28, 2019

The Honorable Xavier Becerra
Attorney General, State of California
1300 I Street, Suite 1740
Sacramento, CA 95814

Dear Attorney General Becerra:

We, the undersigned legislators, are contacting you to ask the California Department of Justice to launch an investigation into gasoline prices in the state. The primary basis for this request is the “Final Report” of the Petroleum Market Advisory Committee (PMAC), which was formed by the California Energy Commission (CEC) in December 2014 to review California’s petroleum fuel-market operations.

Submitted to the CEC in September 2017, the Final Report noted that even after accounting for California’s gasoline tax, fuel-blend and greenhouse gas reduction costs, “gasoline prices since February 2015 have exhibited a continuous and significant unexplained differential compared to the rest of the country.”

University of California, Berkeley, Professor Severin Borenstein, the former chair of the PMAC, observed last October that since February 2015 this unexplained surcharge “has cost Californians more than \$17 billion, or about \$1,700 for a family of four.”

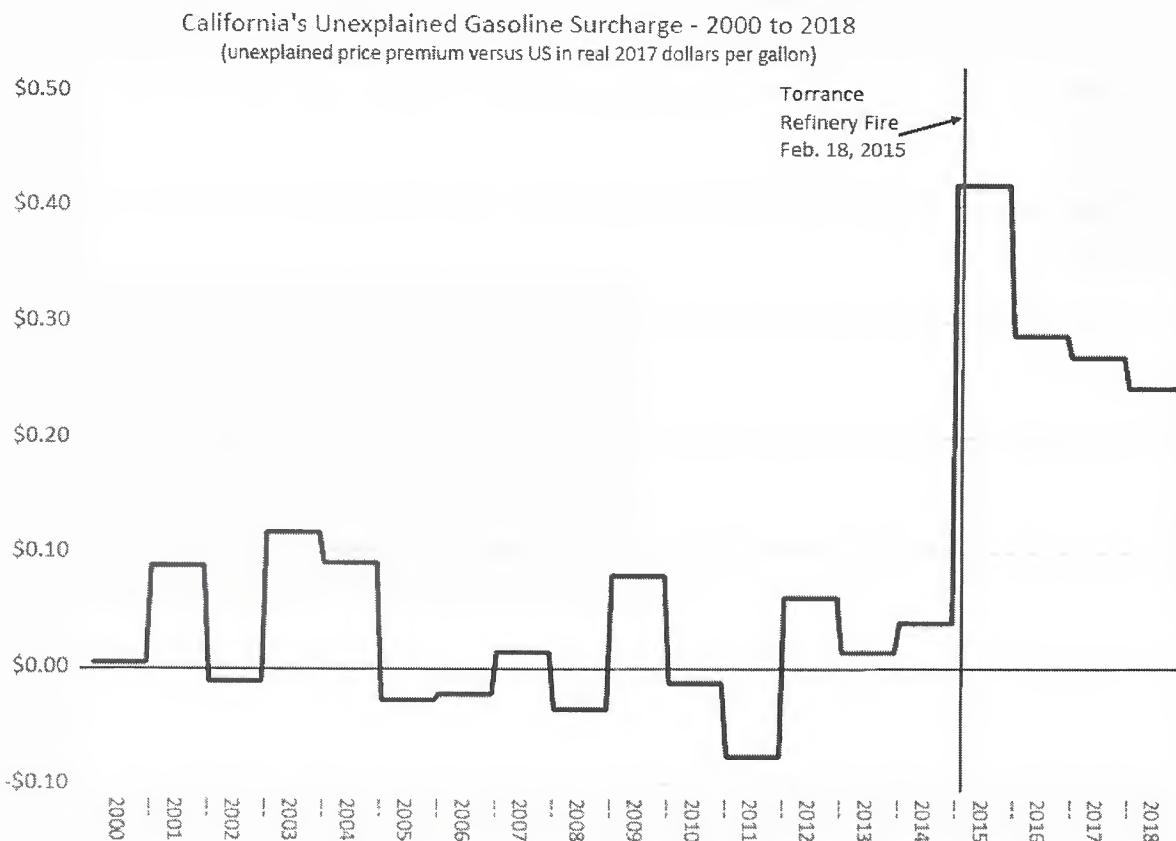
We note now, just as the PMAC members did in their Final Report, that the California cost differential does not in itself imply that any market participants have acted illegally. However, there are a number of indications that the state’s gasoline market lacks robust competition and that Californians are consequentially paying a steeper price, beyond what can otherwise be accounted for, compared to residents of other states.

As Professor Borenstein has noted, the unexplained “surcharge shows up between the refineries and our gas tanks, in the distribution and retailing network,” where competitive pressures may be insufficient. “Far more stations here,” he notes, “are owned by refiners or have long-term contracts that give the refiners significant control over gas prices.”

It is possible, as stated in the Final Report, that logistical issues have contributed to the surcharge. But no one has been able to explain why these potential logistical issues would have persisted over the past four years but seemingly were not significant cost factors prior to that



time, as this gas-price graph monitoring the surcharge suggests. The surcharge averaged 2 cents from 2000 to 2014 and was never more than 12 cents in any of those years. But it soared in 2015 after the Torrance refinery fire and in 2018 has averaged about 24 cents per gallon



In their Final Report, the PMAC members strongly urged “the State to establish an organizational structure and to commit resources” that would permit an “in-depth analysis and conclusions” regarding the unexplained gasoline surcharge. We concur and are committed to seeking the funding that DOJ may need to carry out and conclude an investigation.

Sincerely,

Mark Lennine

Bill Zwick

George Hill
Heg S

Jin Jiwu SD02

R.D. AD50

David Chiu AD17

Ah Kuan AD27

Mahn Sta AD29

Baby the O

R AD43

R

Abigail N. Weber AD79

Braille SD26

Jim Beall

~ ~ AD30

C

Nancy Skinner SD9

Gott Wiens SD11